

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**MWK RECRUITING INC and COUNSEL  
HOLDINGS, INC.**

**Plaintiffs,**

**v.**

**EVAN P. JOWERS,**

**Defendant.**

**Civil Action No. 1:18-cv-00444**

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**DEFENDANT'S REPOSENSE TO PLAINTIFF'S MOTION FOR AN ORDER TO SHOW  
CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT FOR FAILURE  
TO COMPLY WITH COURT ORDERS**

**RESPONSE TO PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE**

To the Honorable Court:

Comes now, Evan P. Jowers, Defendant in the above-entitled and numbered cause, and files this Response to Plaintiff's Motion for an Order to Show Cause, and in support thereof, would respectfully show the following:

**1. Introduction and Background**

Defendant Evan P. Jowers acknowledges the Court's order dated August 23, 2023, which directed him to respond to post-judgment discovery by September 25, 2023.

**2. Delayed Production Due to Oversight**

The Defendant admits that there was a delay in producing the required documents. However, this delay was unintentional and arose from an internal office oversight. At no point did the Defendant act in bad faith or with any intention to disregard the Court's order.

**3. Plaintiff's Failure to Communicate Prior to Filing Motion**

It is notable that prior to filing the motion, the Plaintiff did not reach out to the Defendant to inquire about the delay or express any concerns. A simple communication could have remedied this oversight without court intervention. The Plaintiff's failure to communicate, in this case, goes against the spirit of Local Rule AT-2, which emphasizes good faith communication between parties to resolve disputes without resorting to court motions.

**4. Conclusion and Relief Sought**

In light of the above explanations, the Defendant respectfully requests that the Court take into consideration the unintentional nature of the delay, combined with the Plaintiff's failure to communicate, as outlined by Local Rule AT-2. Therefore, the Defendant asks the Court to deny Plaintiff's Motion for an Order to Show Cause and grant any other relief deemed just and proper.

DATED: October 18, 2023

Respectfully submitted,

By: /s/ Robert Tauler  
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**COUNSEL FOR DEFENDANT  
EVAN P. JOWERS**

**MANDATORY CERTIFICATION REGARDING GENERATIVE ARTIFICIAL  
INTELLIGENCE**

I hereby certify that generative artificial intelligence was used to draft the foregoing document, and that I, Robert Tauler, a human being of sound mind and body, reviewed and verified the accuracy of every last word.

DATED: October 18, 2023

/s/ Robert Tauler  
Robert Tauler

**CERTIFICATE OF SERVICE**

I hereby certify that, on October 18, 2023, a true and accurate copy of the foregoing document was served on all counsel of record via the Court's CM/ECF system.

/s/ Robert Tauler  
Robert Tauler